

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF COSMETOLOGY and BARBERING
MINUTES OF THE April 4, 2017 BOARD MEETING

TIME: 9:30 a.m.

PLACE: 1000 Washington Street
Room 1D
Boston, MA 02118

PRESENT: Susan Viens (Chair), Joy Talbot (Vice-Chair), Michael Gayzagian (Secretary),
Janice Dorian, Jesus Nunez, Nan Pham, Marian Saluto, Catherine Tool

STAFF: Robert Fortes, Deputy Director of Policy and Boards
Lynn Read, Board Counsel
Brian Bialas, Executive Director

The meeting was called to order at 9:30 AM by Ms. Viens (Chair)

Executive Session [CLOSED per M.G.L. c. 30A, § 21(1)]

A MOTION was made by Ms. Saluto, seconded by Mr. Gayzagian to enter into executive session for the purpose of discussing character rather than competence, after which the open meeting will resume. The Chair called for a roll call vote:

Roll call: Ms. Tool (Yes); Mr. Gayzagian (Yes); Ms. Talbot (Yes); Ms. Viens (Yes); Mr. Nunez (Yes); Ms. Saluto (Yes); Ms. Dorian (Yes); Ms. Pham (Yes)

The MOTION Passed 8-0. See separate Executive Session Minutes.

The Open Session resumed at or about 10:00 a.m.

Housekeeping:

Ms. Viens explained the emergency exit procedures.

Read and Accept the Minutes from the February 7, 2017 Open Meeting.

A MOTION was made by Ms. Tool, seconded by Mr. Gayzagian to accept the February 7, 2017 Minutes.

The MOTION passed 8-0.

Hair in Motion Cosmetology Academy

The Board discussed the catalogue and enrollment form for Hair in Motion Cosmetology Academy. A MOTION was made by Mr. Nunez, seconded by Ms. Tool to approve the Hair in Motion Cosmetology Academy application for a cosmetology school license upon receipt of 25 signed student contracts.

The MOTION passed 8-0.

Second Executive Session [CLOSED per M.G.L. c. 30A, § 21(1)]

A MOTION was made by Ms. Pham, seconded by Mr. Gayzagian to enter executive session again for the purpose of discussing character rather than competence, after which the open meeting will resume. The Chair called for a roll call vote:

Ms. Dorian (Yes); Ms. Tool (Yes); Mr. Gayzagian (Yes); Ms. Talbot (Yes); Ms. Viens (Yes); Ms. Saluto (Yes); Ms. Dorian (Yes); Ms. Pham (Yes)

The MOTION passed 8-0. See separate Executive Session Minutes.

The Board resumed Open Session at 10:45 a.m.

Kelly Puccio introduced the new Deputy Chief of Investigations, Martha Sesnovich.

Interview of Incarcerated Candidates for Licensure

Mr. Bialas agreed to look into remote interviews in lieu of site visits.

Practices Outside Scope Policy

Ms. Read reviewed the draft Policy Bulletin Regarding Practices Outside the Scope of Licensure and members asked questions and expressed concerns.

Members discussed verbiage in multiple sections and agreed to change some language.

A MOTION was made by Mr. Gayzagian, seconded by Ms. Talbot to accept the policy with the changes discussed.

The MOTION passed 8-0.

Approval of Proposed Regulations for Out-of-State and Out-of-Country Candidates

Ms. Read reviewed further revised draft regulations on out-of-state and out-of-country applications for cosmetology and barbering. A MOTION was made by Ms. Dorian, seconded by Mr. Nunez to approve the regulations.

The MOTION passed 8-0.

Policies for Proposed Regulations for Out-of-State and Out-of-Country

Out-of-State Exams: A MOTION was made by Ms. Talbot, seconded by Mr. Nunez to approve the following policies, effective when the proposed regulations become effective:

- If an out-of-state applicant has a current license from another state, then the applicant can be licensed after showing proof of education substantially equivalent to that required by the Board.
- If an out-of-state applicant does not have a current license from another state, then the applicant must take the practical examination only after showing proof of education substantially equivalent to that required by the Board.
- Out-of-state applicants without a license must take a written and practical examination after proof of education substantially equivalent to that required by the Board.
- All out-of-country applicants must take a written and practical examination.

The Motion passed 8-0.

Out of Country Exams: A MOTION was made by Ms. Dorian, seconded by Ms. Talbot to approve the following policy, effective when the proposed regulations become effective:

- All out-of-country applicants must take a written and practical examination.

The MOTION passed 8-0.

Barber Exam: A MOTION was made by Ms. Talbot, seconded by Mr. Nunez to approve the current Apprentice Barber Exam as the exam for all barber applicants once the proposed regulations become effective, and to make that exam available in Spanish.

The MOTION passed 8-0.

Instructor Exams: A MOTION was made by Ms. Dorian, seconded by Ms. Pham to approve a policy that all instructor candidates (Cosmetology, Barbering, Aesthetics, Manicuring, and Electrology) must pass a written examination only, effective when the proposed regulations become effective.

The MOTION passed 8-0.

Temporary Licenses: A MOTION was made by Ms. Dorian, seconded by Ms. Pham to eliminate all temporary licenses, effective when the proposed regulations become effective.

The MOTION passed 8-0.

Aesthetician Student Grandfathering: A MOTION was made by Ms. Talbot, seconded by Ms. Pham to allow aesthetician students six months after the proposed regulations become effective to take a 300-hour course for licensure as an aesthetician before all new students must enroll in a 600-hour course.

The MOTION passed 8-0.

Public Comment

A member of the public commented on bed bugs in salons.

Lunch 12:35

Return 1:40

Quasi-Judicial Session [CLOSED per M.G.L. c. 30A, § 18]

A MOTION was made by Ms. Talbot, seconded by Ms. Tool to enter quasi-judicial session for the purpose of making decisions required in an adjudicatory proceeding before it.

The MOTION passed 8-0.

During the closed Quasi-Judicial Session, the Board voted to take the following actions:

- 2015-1216-HD-132-IT-ENF: Board determined Sanction for Final Decision and Order.
- 2015-0317-HS-311-IT-ENF: Reinstate license if Respondent pays fine and agrees to one year of probation.
- 2015-0512-HD-268-IT-ENF: Reinstate license if Respondent pays fine and agrees to two years of probation.
- 2014-0722-HS-041-IT-ENF: Reinstate license if Respondent pays fine and agrees to two years of probation.

Cases, Investigative Conferences, Settlement Offers [Closed Session Pursuant to G.L. c. 112, § 65C]:

A MOTION was made by Ms. Tool, seconded by Ms. Saluto to enter Investigative Conference, to consider open cases, conduct investigative conferences and to consider settlement offers [closed session pursuant to G.L. c. 112, § 65C], after which the Board would return to Open Meeting only to vote to adjourn.

The Motion passed unanimously.

Minutes of Open Meeting Held April 4, 2017, Board of Cosmetology and Barbering

During the closed session, the Board voted to take the following actions:

Settlement Offers and Counteroffers:

- 2015-0618-HS-490-IT-ENF: Provided guidance to prosecutor.
- 2015-0625-HS-511-IT-ENF: Provided guidance to prosecutor.

Review of Cases and Staff Assignments:

- 2016-2000398-FI-ENF: Refer for Prosecution.
- 2016-0818-HS-014-IT-ENF: Refer for Prosecution.
- 2016-0104-HD-143-IT-ENF: Dismiss with Advisory.

Adjournment

A MOTION was made by Mr. Nunez, seconded by Ms. Tool to adjourn.

The MOTION passed 8-0, and the meeting adjourned at or about 2:26 p.m.

List of Documents Used During the Open Meeting:

Agenda

Draft Minutes of February 7, 2017 Open Meeting

Hair in Motion Cosmetology Academy Enrollment Agreement, Brochure, Curriculum and Checklists

Draft Policy Bulletin Regarding Practices Outside the Scope of Licensure

Chart of Current and Proposed Regulations for Barber and Cosmetology Out-of-State and Out-of-Country Applicants

Draft Proposed Regulations 240 CMR 2.03 and 8.01.

The above Minutes were approved at the open meeting held on May 2, 2017.



Brian Bialas, Executive Director